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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,059	12/30/2003	Robert R. Scott	7678.815	1212
22913	7590	10/18/2005	EXAMINER	
WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY) 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			WILSON, JOHN J	
		ART UNIT		PAPER NUMBER
		3732		
DATE MAILED: 10/18/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/749,059	SCOTT, ROBERT R.
	<b>Examiner</b>	<b>Art Unit</b>
	John J. Wilson	3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 December 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-22 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 30 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 4/8/04 11/30/04.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: IDS Continued: 2/23/05.

**DETAILED ACTION*****Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-14, 16, 17, 19, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al (2002/0133970). Gordon shows a dental curing light, elongated housing 204, 206, electronic circuitry 212, metal heat sink 208 and 316 extending in the housing, Fig. 9, and a polymer based heat sink 214 extending through an additional portion of the housing, radial as shown. The specific location to the different heat sink materials is an obvious matter of choice in the location of known materials used to obtain known results, that is, in order to dissipate heat to the desired areas. As to claim 4, see paragraph [0045]. As to claim 5, the specific type of material used is an obvious matter of choice in known materials to the skilled artisan. As to claim 6, see LED use at [0039]. As to claim 7, see lens, Fig. 6. As to claim 8, see external power 108, [0031]. As to claim 9, see battery [0029]. As to claim 10, see controls 28, 30. As to claims 11 and 12, see Fig. 9. As to claim 13, Gordon teaches the alternative of using thermally conductive epoxy or metal in the grip 202 [0044].

Claims 2, 3 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al (2002/0133970) as applied to claims 1 and 17 above, and further in view of Becker (2003/0081430). Gordon shows heat sink 316, however, does not show insulating between the

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metal heat sink and the housing. Becker teaches using an air gap between the heat sink 60 and the casing [0029]. It would be obvious to one of ordinary skill in the art to modify Gordon to include insulating with an air gap as shown by Becker in order to not dissipate excessive heat to the handle.

Claims 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al (2002/0133970) as applied to claims 1 and 17 above, and further in view of Martin et al (5213103). Gordon shows a heat conducting polymer, however, does not state the type, and in specific, does not state that it includes heat conducting particles. Martin teaches using epoxy containing heat conducting particles, column 4, lines 3-6. It would be obvious to one of ordinary skill in the art to modify Gordon to include heat conducting particles as shown by Martin in order better dissipate heat.

### *Drawings*

The drawings filed December 30, 2003 have been found to be acceptable by the examiner.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Wilson whose telephone number is 571-272-4722). The examiner can normally be reached on Monday through Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver, can be reached at 571-272-4720). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



*John J. Wilson*  
**Primary Examiner**  
**Art Unit 3732**

jjw

October 6, 2005